



COMMONWEALTH OF MASSACHUSETTS
Board of Registration
of
Hazardous Waste Site Cleanup
Professionals

ONE WINTER STREET, 3rd Floor

BOSTON, MA 02108

PHONE: 617-556-1091 FAX: 617-292-5872

PROFESSIONAL CONDUCT COMMITTEE

Minutes of Meeting on February 7, 2011

Approved on April 5, 2011

Prepared by: Terry Wood

Meeting Location: Assabet River National Wildlife Refuge, 680 Hudson Road, Sudbury, MA.

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of meeting held on December 6, 2010
3. Active Case List
4. Letter from LSP discussed in item 5.A below
5. **Call to Order:** Janine Commerford called the meeting to order at 1:54 p.m. Also present were Gail Batchelder, Jack Guswa, Christophe Henry, Gretchen Latowsky and Kelley Race. Committee members absent: Deborah Farnsworth, Kirk Franklin, Robert Luhrs and Debra Stake. Staff members present were Lynn Read, Terry Wood and Al Wyman. Also present were Wes Stimpson of the LSP Association, Wendy Rundle, LSPA Executive Director and Tom Potter of MassDEP.
2. **Announcements:** Ms. Wood added the following item to the agenda under New Business:
5.A. Review letter from LSP regarding private censure.
3. **Previous Minutes:** The draft minutes of the meeting held on December 6, 2010 were approved.
4. **Old Business**
 - A. **Status of CRTS**
At Ms. Commerford's request, the chair of each CRT reported on progress made since the December meeting.

5. New Business

A. Review letter from LSP regarding private censure

Ms. Wood passed out a redacted copy of a letter from an LSP who had received a private censure from the Board as a result of a disciplinary case. In the letter, the LSP stated that Mark Roberts, Esq. was an LSP Board member at the time the complaint was filed against the LSP and had a conflict of interest because his client was the complainant. As a result, the LSP requested the following change to the LSP's disciplinary history page on the Board's Web site: "an asterisk be added to my name indicating that *Mark Roberts, Esq., former Board member did not recuse himself from this matter and should have done so due to a conflict of interest.*" Ms. Wood pointed out, as also referenced in the letter, this LSP had petitioned the Board in January 2010 to remove any information about the private censure from the LSP's disciplinary history page on the Web site. At that time, the Board voted not to take any action.

Ms. Wood stated that the suggestion that Mr. Roberts should have recused himself from Board discussion of the complaint was inaccurate because Mr. Roberts had left the Board some time before the complaint against the LSP was filed and, therefore, was not present at any Board meeting when the case was discussed. After discussion, a motion was made and seconded that the Committee not take any action regarding the LSP's request and direct Ms. Wood to write a letter to the LSP explaining that Mr. Roberts was not a Board member when the complaint was filed. The motion passed unanimously.

Ms. Race suggested that the Board might consider setting a limit on the time a disciplinary sanction remains posted on the Board's Web site. At the present time, the Board has not set any limit. Mr. Potter stated that, even if the disciplinary information were removed from the Board's Web site after a period of time, the information would still be accessible in other locations on the Web. The consensus of the Committee was to discuss this issue again at an upcoming meeting when more Board members are present.

6. Future Meetings

The Committee did not decide the dates of any future meetings.

7. Adjournment: The meeting was adjourned at 2:25 p.m.